

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 ARIEL STERN, ESQ.
Nevada Bar No. 8276
2 NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
3 PAIGE L. MAGASTER, ESQ.
Nevada Bar No. 15557
4 AKERMAN LLP
1635 Village Center Circle, Suite 200
5 Las Vegas, Nevada 89134
6 Telephone: (702) 634-5000
Facsimile: (702) 380-8572
7 Email: ariel.stern@akerman.com
Email: natalie.winslow@akerman.com
8 Email: paige.magaster@akerman.com

9 *Attorneys for NewRez LLC f/k/a New Penn*
10 *Financial d/b/a Shellpoint Mortgage Servicing*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

14 TEAL PETALS ST TRUST,

15 Plaintiff,

16 vs.

17 NEWREZ LLC f/k/a NEW PENN FINANCIAL
d/b/a SHELLPOINT MORTGAGE
18 SERVICING; a foreign limited liability
company; and DOE individuals I through XX;
and ROE CORPORATIONS I through XX,

19 Defendants.

21 NEWREZ LLC f/k/a NEW PENN FINANCIAL
d/b/a SHELLPOINT MORTGAGE
22 SERVICING,

23 Counter-claimant,

24 vs.

25 TEAL PETALS ST TRUST; DOES I through X,
inclusive; and ROE CORPORATIONS I through
X, inclusive,

26 Counter-defendants.

Case No.: 2:22-cv-00395-JAD-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO AMEND
PLEADINGS OR ADD PARTIES**

(FOURTH REQUEST)

1 Teal Petals St Trust (**the Trust**) and NewRez LLC f/k/a New Penn Financial d/b/a Shellpoint
2 Mortgage Servicing (**Shellpoint**) stipulate to extend the deadline to amend pleadings or add parties for
3 two (2) weeks from July 7, 2023, to **July 21, 2023**.

4 The parties previously agreed to stay discovery deadlines pending the outcome of a chapter 11
5 bankruptcy initiated in the U.S. Bankruptcy Court, District of Nevada, *In re 9863 Dublin Valley, LLC*,
6 Case No. 22-12180-mkn. [ECF No. 18.] The court approved the parties' stipulation and ordered
7 discovery stayed. [ECF No. 19.] The automatic stay in the chapter 11 bankruptcy was subsequently
8 annulled and the bankruptcy matter is now closed. [See ECF No. 22.] The court extended discovery
9 deadlines upon lifting the discovery stay in this case. [ECF No. 23.] The parties subsequently
10 stipulated to, and the court approved, an extension of the deadline to amend pleadings or add parties
11 by two weeks. [ECF No. 24.]

12 Shellpoint recently received a letter dated May 9, 2023, wherein the Trust seeks loan
13 information from Shellpoint as the property's "current titled owner." Testimony and filings in the
14 bankruptcy matter indicate 9863 Dublin Valley, LLC acquired title to the property in July 2022.
15 On May 17, 2023, Saticoy Bay LLC Series 9863 Dublin Valley St made the winning bid at the deed of
16 trust foreclosure sale. Shellpoint, through its counsel, responded to the Trust's letter on June 12, 2023.

17 Good cause exists pursuant to LR 26-3 to extend the deadline to amend pleadings or add
18 parties. Shellpoint's counsel appeared in trial in *Carrington Mortgage Services, LLC v. Silverado*
19 *Place Homeowners' Association et al.*, Case No. 2:17-cv-01311-RFB-BNW commencing June 28,
20 2023. One of the attorneys for Shellpoint was out of the office following the trial and for the
21 Independence Day holiday. A family emergency arose for the other handling attorney that, coupled
22 with several other pre-existing deadlines, interfered with counsel's ability to complete and circulate the
23 proposed amended answer and counterclaims. Shellpoint's counsel provided the draft pending client
24 review to the Trust's counsel on July 4, 2023. Filings in this matter on Shellpoint's behalf are subject
25 to multiple levels of review. The parties are hopeful that a stipulation will be reached as to
26 amendment, but seek sufficient time for Shellpoint to file a motion as necessary.

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The parties therefore request an extension of two weeks. Excusable neglect exists for the reasons set forth in the prior stipulation [ECF No. 24] and above.

DATED this 5th day of July, 2023.

AKERMAN LLP	Law Offices of Roger P. Croteau
<u>/s/ Paige L. Magaster</u> ARIEL STERN, ESQ. Nevada Bar No. 8276 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 PAIGE L. MAGASTER, ESQ. Nevada Bar No. 15557 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 <i>Attorneys for NewRez LLC f/k/a New Penn Financial d/b/a Shellpoint Mortgage Servicing</i>	<u>/s/ Christopher L. Benner</u> ROGER P. CROTEAU, ESQ. Nevada Bar No. 4958 CHRISTOPHER L. BENNER, ESQ. Nevada Bar No. 8963 2810 W. Charleston Boulevard, Suite 75 Las Vegas, NV 89102 <i>Attorney for Teal Petals St Trust</i>

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

Case No.: 2:22-cv-00395-JAD-DJA

DATED: July 6, 2023